# STANDARD APPLICATION Harford County Board of Appeals

Bel Air, Maryland 21014

		Case No. <u>5634</u>
		Date Filed 11/14/07
NOV	2 8 200-	Hearing Date
		Receipt
•		Fee \$600.00

Shaded Areas for Office Use Only

	Nature of Request and Section(s) of Code
Administrative Decision/Interpretation	CASE 5636 MAP 41 TYPE Special Exception
X Special Exception	ELECTION DISTRICT 03 LOCATION 2128 Thomas Run Road,
Use Variance	BY Mark and Kimberly Driver, 3160 Deths Ford Road, Darlington 21034
Change/Extension of Non-Conforming Use Minor Area Variance	Appealed because a special exception pursuant to Section 267-53D (1) of the H
Area Variance	County Code to permit commercial vehicle storage and Section 267-53H (1) of the
Variance from Requirements of the Code	Harford County Code to permit construction services in the AG District requires
Zoning Map/Drafting Correction	by the Board.
ne <u>Mark J. Driver</u>	Phone Number (410) 836-7250
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Land Description
Address and Location of Property 2128 THomas Run Road, Bel Air, Maryland 21015, North of Fountain Green
Subdivision Lot Number
Acreage/Lot Size 40.05 Election District Third Zoning AG
Tax Map No. 41 Grid No. 1E Parcel 386 Water/Sewer: Private X Public
List ALL structures on property and current use: Agricultural, 4 wood sheds, 1 metal shed, 1 tenant house garage and 1 40X80 Pole Barn and 1 40X60 Pole Barn
Estimated time required to present case: 1 hour (unopposed)
If this Appeal is in reference to a Building Permit, state numberN/A
Would approval of this petition violate the covenants and restrictions for your property?No
Is this property located within the County's Chesapeake Bay Critical Area? Yes NoNo
If so, what is the Critical Area Land Use designations:N/A
Is this request the result of a zoning enforcement investigation? Yes No $\underline{X}$
Is this request within one (1) mile of any incorporated town limits? Yes NoX
Request See Attached
Justification  See Attached
$\cdot$

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

### **Board of Appeals**

#### **ATTACHMENT**

Applicants: Mark and Kimberly Driver

3160 Deths Ford Road

Darlington, Maryland 21034

Subject Property: 2128 Thomas Run Road

Bel Air, Maryland 21015 Tax Map: 41, Parcel: 386

## **Special Exception Approval**

#### Request No. 1

A Special Exception pursuant to Section 267-53(D)(1) of the Harford County Code to allow commercial vehicle and equipment storage in the Agricultural District (AG).

#### Justification:

Pursuant to Harford County Code, §267-53(D)(1), the Applicants are requesting a Special Exception to store commercial vehicles and equipment on their agriculturally zoned property. Pursuant to Section 267-53(D)(1), the conditions prerequisite to the granting of this Special Exception are: 1) that the vehicles and equipment are stored entirely within an enclosed building or that they are fully screened from view of adjacent residential lots and public roads; and 2) that the parcel be a minimum of 2 acres.

The Property is approximately 40 acres and is zoned AG. It is currently improved by four (4) wood sheds, one (1) metal shed, one (1) tenant house with garage, and one (1) 40 x 80 Pole Barn and one (1) 40 x 60 Pole Barn. Mark J. Driver, one of the owners of the property, is a Member of Thomas Run-Timberline, LLC, which is a tree service business. The Applicants seek approval to locate the attached list of commercial vehicles and equipment associated with said tree service business on the site. The vehicles and all business equipment will either be stored entirely within the enclosed 40 x 80 Pole Barn or underneath the overhangs/awnings on the sides of said Pole Barn and will be fully screened from view of adjacent residential lots and public roads. Attached hereto is a Site Plan which clearly shows the existing structures and landscaping on the property and identifies the proposed storage area. The Site Plan clearly shows that, in compliance with the Zoning Code, the vehicles and equipment will either be stored within an enclosed building or fully screened from view of adjacent lots and public roads. Also attached is an aerial photograph identifying and depicting the property and the existing landscaping, screening and structures.

The Applicants meet the prerequisites set forth in the Code because the Property is over 40 acres in size and all vehicles and equipment will be either fully screened from view by appropriate landscaping on the property or will be stored entirely within an enclosed building.

### Request No. 2:

A Special Exception pursuant to Section 267-53(H)(1) of the Harford County Code to allow a construction services business in the Agricultural District (AG).

#### Justification:

Pursuant to Harford County Code, §267-53(H)(1), the Applicants are requesting a Special Exception to operate a construction services business on their agriculturally zoned property. The condition provided in Section 267-53(H)(1) that is a prerequisite to the granting of this Special Exception is that a buffer yard at least 10 feet wide be provided around all outside storage and parking areas when adjacent to a residential lot or visible from a public road.

The Property is approximately 40 acres and is zoned AG. It is currently improved by four (4) wood sheds, one (1) metal shed, one (1) tenant house with garage, and one (1) 40 x 80 Pole Barn and one (1) 40 x 60 Pole Barn. Mark J. Driver, one of the owners of the property, is a Member of Thomas Run-Timberline, LLC, which is a tree service business. The Applicants seek approval to operate said tree service business on the Property. The vehicles and all business equipment will either be stored entirely within the enclosed 40 x 80 Pole Barn or underneath the overhangs/awnings on the sides of said Pole Barn and will be fully screened from view of adjacent residential lots and public roads. Attached hereto is a Site Plan which clearly shows the existing structures and landscaping on the property and identifies the proposed storage area. The Site Plan clearly shows that, in compliance with the Zoning Code, the vehicles and equipment will either be stored within an enclosed building or fully screened from view of adjacent lots and public roads and also depicts at least a 10 foot buffer yard provided around all outside storage and parking areas. Also attached is an aerial photograph identifying and depicting the property and the existing landscaping, screening and structures.

The Applicants meet the prerequisites set forth in the Code because the Property is approximately 40 acres in size and with the location of the improvements, storage and landscaping currently on the Property, the Applicants will easily maintain a buffer yard at least 10 feet wide around the outside storage and parking areas that are adjacent to residential lots or visible from public roads.

One factor to be considered before granting a special exception request is whether the use on the property will have an adverse impact on the adjoining properties. In this case, granting the requested Special Exceptions will not be substantially detrimental to the adjacent properties. The property is over 40 acres in size and very densely wooded and the pole barns and proposed storage areas take up very little space on the property, leaving the majority of the property

undeveloped farm land. Most of the neighbors are presently fully screened from view and far enough away from the property that the storage of the commercial vehicles and equipment and operation of a construction services business will have no impact on them and their properties. If there are any neighbors that are presently not sufficiently screened from view, they will be.

The storage of commercial vehicles and equipment and operation of a construction services business will have no greater impact at this location than others similarly zoned. In fact, there will be less impact on this property because it is over 40 acres in size, substantially wooded, and screened from public roads. The location of the property is also in close proximity to Thomas Run Road and Prospect Mill Road and other arterial roads. The site distance from the driveway for any commercial truck or other vehicle entering Thomas Run Road from the property is also very good.

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# THOMAS RUN TIMBERLINE **Equipment List**

w/in 40x80 Pole Barn under overhang on 40x80 Pole Barn under overhang on 40x80 Pole Barn under overhang on 40x80 Pole Barn w/in 40x80 Pole Barn under overhang on 40x80 Pole Barn

Revised 08/2007

